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8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
12 Against:

13 **DAVID LIEBHAUSER**

14 Applicant/Respondent.

Case No. *2013-806*

**STATEMENT OF ISSUES**

15 Louise R. Bailey, M.Ed., R.N. ("Complainant") alleges:

16 **PARTIES**

17 1. Complainant brings this Statement of Issues solely in her official capacity as the  
18 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs (the  
19 "Board").

20 **Application History**

21 2. On or about May 29, 2012, the Board received an application for a Registered Nurse  
22 License from David Liebhauser ("Respondent"). On or about May 24, 2012, Respondent  
23 certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application.

25 **JURISDICTION**

26 3. Pursuant to Business and Professions Code ("Code") section 485, subdivision (b), on  
27 or about September 20, 2012, Respondent's application was denied and he was notified of the  
28 right to a hearing to appeal the denial.

4. On or about October 8, 2012, Respondent requested a hearing to appeal the denial of his application.

## STATUTORY PROVISIONS

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct, which includes, but is not limited to, the following:

(4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action against a health care professional license or certificate by another state or territory of the United States, by any other government agency, or by another California health care professional licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that action.

### CAUSE FOR DENIAL OF APPLICATION

**(Out-of-State Discipline)**

6. Respondent's application is subject to denial pursuant to Code section 2761, subdivision (a)(4), in that the State of New Jersey Department of Law & Public Safety, Division of Consumer Affairs, State Board of Nursing, entered a *Final Consent Order*, effective June 21, 2006 (attached hereto as Exhibit A and incorporated herein by reference), in a disciplinary proceeding entitled *In the Matter of the Suspension or Revocation of the License of: David Liebhauser, R.N., License No. NO104419 to Practice as a Nurse in the State of New Jersey*. The *Final Consent Order* reprimanded Respondent for misconduct, imposed a \$2,500.00 penalty, and required Respondent to successfully complete a documentation course. The basis of said discipline is that Respondent engaged in professional or occupational misconduct. Specifically, between on or about July 2, 1999, and December 17, 1999, while working as a registered nurse at the St. Barnabas Medical Center, Respondent repeatedly failed to follow accepted standards of nursing practice in his charting of controlled substances in patient medication administration records and in nurses notes.


## PRAYER

**WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

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1. Denying the application of David Liebhauser for a Registered Nurse License, and
2. Taking such other and further action as deemed necessary and proper.

DATED: March 19, 2013

  
LOUISE R. BAILEY, M.ED., R.N.  
Executive Officer  
Board of Registered Nursing  
State of California  
*Complainant*

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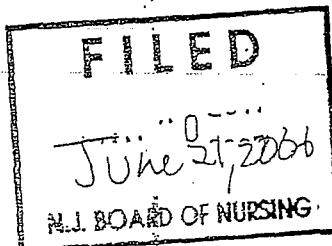
**EXHIBIT A**

*Final Consent Order, Eff. June 21, 2006*

*In the Matter of the Suspension or Revocation of the License of: David Liebhauser, R.N.  
License No. NO104419 to Practice as a Nurse in the State of New Jersey.*

State of New Jersey Department of Law & Public Safety  
Division of Consumer Affairs State Board of Nursing

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STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION  
OR REVOCATION OF THE LICENSE  
OF:

Administrative Action

FINAL CONSENT ORDER

DAVID LIEBHAUSER, R.N.  
LICENSE NO. NO104419

TO PRACTICE AS A NURSE IN THE  
STATE OF NEW JERSEY

This matter was opened to the New Jersey Board of Nursing ("Board") by way of information received from St. Barnabas Medical Center. Based upon the information reviewed the Board finds that on repeated occasions during July 2, 1999 to December 17, 1999 Respondent failed to follow accepted standards of nursing practice and hospital policy in connection with his charting of controlled substances in the patients' medication administration record and nurses notes in violation of N.J.S.A. 45:1-21(e). In lieu of further proceedings, Respondent and the Board of Nursing have agreed to the form and entry of the within Order.

Accordingly, IT IS on this <sup>21<sup>st</sup></sup> day of June, 2006

ORDERED that:

Respondent is hereby reprimanded for the above stated misconduct. And it is further

ORDERED that:

Respondent shall remit payment in the amount of \$2500.00 to the Board of Nursing for the within matter, which shall be payable on a consecutive monthly basis at a rate of at least \$150.00 to be received by 15th of each month, commencing on the effective date of this order.

A certificate of debt shall be issued upon entry of this order; and it is further;

ORDERED that:

Respondent shall enroll in and successfully complete an approved documentation course and submit proof of successful completion to the Board within 6 months hereof; and it is further

ORDERED that:

Failure to adhere to the accepted standards of nursing practice, especially with regard to the handling of medications may constitute a violation of this order and grounds for the filing of a provisional order of discipline seeking active license suspension and imposition of penalties and costs as may be determined by the Board under N.J.S.A. 45:1-21, 1-22 and 1-25.

STATE BOARD OF NURSING

By: Nelson Tuazon  
Nelson Tuazon  
President

I have read the terms of this order.

I understand and agree to be bound by them.

David Liebhauser  
David Liebhauser

I consent to the form and entry of the within order.

Jill Slattery  
Jill Slattery, Esq.  
Attorney for Respondent